

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

FLORIMEX FREIGHTFORWARD N.V., a ) Case No. C06 06484 JF HRL  
Curacao corporation, )  
Plaintiff, ) HONORABLE JEREMY FOGEL  
v. ) COURTROOM 3  
S.A. COMMERCE LLC, a California limited ) STIPULATION TO EXTEND TIME TO  
liability company, ) ANSWER COMPLAINT AND TO  
Defendant. ) CONTINUE INITIAL CASE  
 ) MANAGEMENT CONFERENCE; ORDER  
 ) THEREON

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Plaintiff FLORIMEX FREIGHTFORWARD N.V. (hereinafter "Florimex") and defendant S.A. COMMERCE LLC (hereinafter "SAC"), hereby stipulate and agree as follows:

1. Certain disputes and controversies have arisen among the Parties hereto which led to litigation now pending entitled *Florimex Freightforward N.V. v. S.A. Commerce LLC*, United States District Court, Northern District of California Case No. C06 06484 JF HRL (hereafter, "the Litigation").

2. The Litigation was commenced by the filing of a Complaint for Damages ("Complaint") on October 17, 2006.

3. On October 17, 2006, the Court issued its Order Setting Initial Case Management Conference and ADR Deadlines. The initial Case Management Conference was scheduled for

1 January 12, 2007, at 10:30 a.m.; and, continued by stipulation to April 20, 2007 at 10:30 a.m. on  
2 the court's calendar.

3 4. Defendant SAC was served with the summons and Complaint on November 10,  
4 2006.

5 5. After settlement discussions between counsel for the Parties, the Parties have  
6 decided that it would promote judicial efficiency and be in their best interest to extend the time  
7 for SAC to file an answer to the Complaint and to continue the initial Case Management  
8 Conference to allow settlement discussions to continue without incurring additional costs.

9 NOW THEREFORE, IT IS STIPULATED AND AGREED BY THE PARTIES AS  
10 FOLLOWS:

11 A. The time for SAC to answer the Complaint is extended until five court days from  
12 written notice via facsimile to counsel for SAC by counsel for Florimex that negotiations have  
13 failed and that an answer is required.

14 B. The Case Management Conference set for April 20, 2007 at 10:30 a.m. in  
15 Courtroom 3, shall be continued to June 1, 2007, at 10:30 a.m. in Courtroom 3.

16 C. All deadlines pursuant to FRCivP 26, Civil L.R. 16 and ADR L.R. 3-5 are  
17 continued accordingly.

18 IT IS SO STIPULATED.

19 DATED: April 11, 2007

MILBERG & DE PHILLIPS, P.C.

20 By: \_\_\_\_\_  
21 Russell M. De Phillips  
22 Attorneys for Plaintiff

23 DATED: April \_\_\_, 2007

The Law Office of Paul A. Spiegel

24 By: \_\_\_\_\_  
25 Paul A. Spiegel  
26 Attorney for Defendant

Digitally signed by /s/ Paul A. Spiegel  
DN: CN = /s/ Paul A. Spiegel, C = US, O = Law Office of Paul A. Spiegel  
Reason: Consent to Stip  
Date: 2007.04.13 11:03:21 -07'00'

1                   **ORDER**  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

4                   DATED: 4/16/07  
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JEREMY FOGEL  
United States District Judge



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